

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	07-00008-01-CR-W-DW
CARL BUSSEY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 15, 2007. Defendant Carl Bussey appeared in person and with retained counsel Patrick Peters. The United States of America appeared by Assistant United States Attorneys Matt Whitworth and Linda Marshall.

I. BACKGROUND

On January 5, 2007, an indictment was returned charging defendant with one count of making a material false statement, in violation of 18 U.S.C. § 1001; and with three counts of perjury, in violation of 18 U.S.C. § 1621.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Marshall announced that she and Mr. Whitworth will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Walter R. Schaefer, FBI.

Mr. Peters announced that he will be the trial counsel for defendant Carl Bussey; Shelley Peters will assist.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Marshall announced that the government intends to call twenty-five witnesses without stipulations or twenty-four witnesses with stipulations during the trial.

Mr. Peters announced that defendant Carl Bussey intends to call three witnesses during the trial. The defendant will testify.

V. TRIAL EXHIBITS

Ms. Marshall announced that the government will offer approximately seventy exhibits in evidence during the trial.

Mr. Peters announced that defendant Carl Bussey will offer approximately ten exhibits in evidence during the trial.

VI. DEFENSES

Mr. Peters announced that defendant Carl Bussey will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Peters stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to the testimony of a notary public.

IX. TRIAL TIME

Counsel were in agreement that this case will take four to five days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed February 8, 2007, counsel for each party file and serve a **list of exhibits** he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **November 15, 2007**;

That counsel for each party file and serve requested jury **voir dire** examination questions by or before noon, **Monday, November 19, 2007**;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, **Monday, November 19, 2007**. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed regarding excluding witnesses and witness tampering. There may be a dispute over the definition of the term "loan" as used in the indictment.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on November 26, 2007.

/s/ Robert E. Larsen

ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
November 15, 2007

cc: The Honorable Dean Whipple
Ms. Linda Marshall
Mr. Patrick Peters

Mr. Jeff Burkholder